

AMENDED IN SENATE JANUARY 6, 1998

SENATE BILL

No. 1136

Introduced by Senator Kopp

February 28, 1997

~~An act to amend Sections 654.3 and 707 of, and to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to youths. An act to amend Sections 210, 21455.5, 22451, and 40518 of, and to repeal Sections 210, 22451, and 40518 of, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1136, as amended, Kopp. ~~Juvenile court proceedings~~
Vehicles: automated enforcement systems.

Existing law authorizes, until January 1, 1999, the use of automated enforcement systems at official traffic control signals and provides a special written, mailed notice to appear procedure in connection with specified alleged violations recorded by those systems.

This bill would delete the January 1, 1999, repeal date, thereby continuing indefinitely the use of the automated enforcement systems and the related special procedure.

~~Existing law makes a minor who is under 18 years of age when he or she violates any law defining a crime subject to the jurisdiction of the juvenile court. The juvenile court is required to conduct a hearing to determine the proper disposition of the minor committing a criminal offense and may adjudge the minor a ward of the court. Existing law~~

~~provides for a hearing to determine if a minor is a fit and proper subject to be dealt with under the juvenile court law.~~

~~This bill would require a fitness hearing to be held when a minor is alleged to have committed a felony offense and the minor has twice been found to have committed a felony offense. The bill would provide that such a minor would be presumed to be unfit to be dealt with under the juvenile court law.~~

~~The bill would establish a deferred entry of judgement procedure in juvenile court for a minor who has committed a felony offense if specified circumstances apply.~~

~~Because the bill would impose additional duties on the criminal justice system equivalent to the additional duties imposed by the creation of a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: yes no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. This act may be cited as the Juvenile~~
2 ~~SECTION 1. Section 210 of the Vehicle Code, as~~
3 ~~amended by Section 1 of Chapter 922 of the Statutes of~~
4 ~~1995, is amended to read:~~
5 ~~210. An “automated enforcement system” is any~~
6 ~~system operated by a governmental agency, in~~
7 ~~cooperation with a law enforcement agency, that~~
8 ~~photographically records a driver’s responses to a rail or~~
9 ~~rail transit signal or crossing gate, or both, or to an official~~
10 ~~traffic control signal described in Section 21450, and is~~
11 ~~designed to obtain a clear photograph of a vehicle’s~~
12 ~~license plate and the driver of the vehicle.~~
13 ~~This section shall remain in effect only until January 1,~~
14 ~~1999, and as of that date is repealed, unless a later enacted~~

1 ~~statute, which is enacted before January 1, 1999, deletes~~
2 ~~or extends that date.~~

3 *SEC. 2. Section 210 of the Vehicle Code, as added by*
4 *Section 2 of Chapter 922 of the Statutes of 1995, is*
5 *repealed.*

6 ~~210. An “automated rail crossing enforcement~~
7 ~~system” is any system operated by a governmental~~
8 ~~agency, in cooperation with a law enforcement agency,~~
9 ~~that photographically records a driver’s responses to a rail~~
10 ~~or rail transit signal or crossing gate, or both, and is~~
11 ~~designed to obtain a clear photograph of a vehicle’s~~
12 ~~license plate and the driver of the vehicle.~~

13 ~~This section shall become operative on January 1, 1999.~~

14 *SEC. 3. Section 21455.5 of the Vehicle Code is*
15 *amended to read:*

16 21455.5. (a) The limit line, the intersection, or other
17 places designated in Section 21455 where a driver is
18 required to stop may be equipped with an automated
19 enforcement system if the system is identified by signs,
20 clearly indicating the system’s presence, visible to traffic
21 approaching from all directions, or if signs are posted at
22 all major entrances to the city, including, at a minimum,
23 freeways, bridges, and state highway routes.

24 Any city utilizing an automated traffic enforcement
25 system at intersections shall, prior to issuing citations,
26 commence a program to issue only warning notices for 30
27 days. The local jurisdiction shall also make a public
28 announcement of the automated traffic enforcement
29 system at least 30 days prior to the commencement of the
30 enforcement program.

31 Only a governmental agency, in cooperation with a law
32 enforcement agency, may operate an automated
33 enforcement system.

34 (b) Notwithstanding Section 6253 of the Government
35 Code, or any other provision of law, photographic records
36 made by an automated enforcement system shall be
37 confidential, and shall be made available only to
38 governmental agencies and law enforcement agencies
39 for the purposes of this article.

(c) Notwithstanding subdivision (b), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

~~(d) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.~~

SEC. 4. Section 22451 of the Vehicle Code, as amended by Section 5 of Chapter 922 of the Statutes of 1995, is amended to read:

22451. (a) The driver of any vehicle approaching a railroad or rail transit grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed until he or she can do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around, or under any railroad or rail transit crossing gate while the gate is closed.

(c) Whenever a railroad or rail transit crossing is equipped with an automated enforcement system, a notice of a violation of this section is subject to the procedures provided in Section 40518.

~~(d) This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.~~

SEC. 5. Section 22451 of the Vehicle Code, as added by Section 6 of Chapter 922 of the Statutes of 1995, is repealed.

~~22451. (a) The driver of any vehicle approaching a railroad or rail transit grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed~~

1 ~~until he or she can do so safely, whenever the following~~
2 ~~conditions exist:~~

3 ~~(1) A clearly visible electric or mechanical signal~~
4 ~~device or a flagman gives warning of the approach or~~
5 ~~passage of a train or car.~~

6 ~~(2) An approaching train or car is plainly visible or is~~
7 ~~emitting an audible signal and, by reason of its speed or~~
8 ~~nearness, is an immediate hazard.~~

9 ~~(b) No driver shall proceed through, around, or under~~
10 ~~any railroad or rail transit crossing gate while the gate is~~
11 ~~closed.~~

12 ~~(c) Whenever a railroad or rail transit crossing is~~
13 ~~equipped with an automated rail crossing enforcement~~
14 ~~system, a notice of a violation of this section is subject to~~
15 ~~the procedures provided in Section 40518.~~

16 ~~(d) This section shall become operative on January 1,~~
17 ~~1999.~~

18 *SEC. 6. Section 40518 of the Vehicle Code, as*
19 *amended by Section 8 of Chapter 922 of the Statutes of*
20 *1995, is amended to read:*

21 40518. (a) Whenever a written notice to appear has
22 been issued by a peace officer or by a qualified employee
23 of a law enforcement agency on a form approved by the
24 Judicial Council for an alleged violation of Section 22451,
25 or, based on an alleged violation of Section 21453, 21455,
26 or 22101 recorded by an automated enforcement system
27 pursuant to Section 21455.5 or 22451, and delivered by
28 mail within 15 days of the alleged violation to the current
29 address of the registered owner of the vehicle on file with
30 the department, with a certificate of mailing obtained as
31 evidence of service, an exact and legible duplicate copy
32 of the notice when filed with the magistrate shall
33 constitute a complaint to which the defendant may enter
34 a plea. Preparation and delivery of a notice to appear
35 pursuant to this section is not an arrest.

36 (b) A notice to appear shall contain the name and
37 address of the person, the license plate number of the
38 person's vehicle, the violation charged, including a
39 description of the offense, and the time and place when,
40 and where, the person may appear in court or before a

1 person authorized to receive a deposit of bail. The time
2 specified shall be at least 10 days after the notice to appear
3 is delivered.

4 ~~(e) This section shall remain in effect only until~~
5 ~~January 1, 1999, and as of that date is repealed, unless a~~
6 ~~later enacted statute, which is enacted before January 1,~~
7 ~~1999, deletes or extends that date.~~

8 *SEC. 7. Section 40518 of the Vehicle Code, as added*
9 *by Section 9 of Chapter 922 of the Statutes of 1995, is*
10 *repealed.*

11 ~~40518. (a) Whenever a written notice to appear has~~
12 ~~been issued by a peace officer or by a qualified employee~~
13 ~~of a law enforcement agency on a form approved by the~~
14 ~~Judicial Council for an alleged violation of Section 22451,~~
15 ~~or, with respect to a rail crossing, of Section 21453 or 22101~~
16 ~~based on an alleged violation recorded by an automated~~
17 ~~rail crossing enforcement system, and delivered by mail~~
18 ~~within 30 days of the alleged violation to the current~~
19 ~~address of the registered owner of the vehicle on file with~~
20 ~~the department, with a certificate of mailing obtained as~~
21 ~~evidence of service, an exact and legible duplicate copy~~
22 ~~of the notice when filed with the magistrate shall~~
23 ~~constitute a complaint to which the defendant may enter~~
24 ~~a plea. Preparation and delivery of a notice to appear~~
25 ~~pursuant to this section is not an arrest.~~

26 ~~(b) A notice to appear shall contain the name and~~
27 ~~address of the person, the license plate number of the~~
28 ~~person's vehicle, the offense charged, and the time and~~
29 ~~place when, and where, the person may appear in court~~
30 ~~or before a person authorized to receive a deposit of bail.~~
31 ~~The time specified shall be at least 10 days after the notice~~
32 ~~to appear is delivered.~~

33 ~~(c) This section shall become operative on January 1,~~
34 ~~1999.~~

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Assembly, February 28, 1997 (JR 11)**

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